

Message Text

LIMITED OFFICIAL USE

PAGE 01 LISBON 04298 01 OF 02 100444Z
ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 COME-00 DLOS-09 EB-08 INT-05
CG-00 DOTE-00 L-03 EPA-01 CEQ-01 SP-02 CIAE-00
INR-10 NSAE-00 DODE-00 /059 W
-----016499 100454Z /11
R 091611Z JUN 78
FM AMEMBASSY LISBON
TO SECSTATE WASHDC 5981
INFO AMEMBASSY COPENHAGEN

LIMITED OFFICIAL USE SECTION 1 OF 2 LISBON 4298

E.O. 11652: N/A
TAGS: EFIS XN PO
SUBJ: GIFA TALKS WITH GOVERNMENT OF PORTUGAL (GOP)

REFS: (A) BONN 10375 (B) BONN 9938

SUMMARY: U.S. DEL MET WITH GOP FOREIGN AFFAIRS AND FISHERIES
OFFICIALS, AS WELL AS PORTUGUESE FISHING INDUSTRY REPS IN
LISBON JUNE 8 TO DISCUSS POSSIBLE GOVERNING INTERNATIONAL
FISHERIES AGREEMENT (GIFA). GOP REPS PROPOSED AMENDMENTS
TO DRAFT GIFA AND U.S. DEL GAVE PRELIMINARY REACTIONS.
END SUMMARY.

1. U.S. DEL LED OFF DISCUSSIONS WITH EXPLANATION OF HISTORY
AND MECHANICS OF FCMA AND GIFA. U.S. DEL EMPHASIZED THAT
GIFA IS A FRAMEWORK AGREEMENT ONLY AND CLEARLY STATED THAT,
IN VIEW OF LACK OF RECENT PORTUGUESE FISHING IN U.S. ZONE
AND CURRENT FULL UTILIZATION OF DECLINING SURPLUSES, PORTUGUESE
CHANCES OF RECEIVING ALLOCATIONS IN THE FORESEEABLE FUTURE ARE
UNLIKELY.

2. GOP REPS INDICATED THEY FULLY UNDERSTAND THE SITUATION,
BUT STILL DESIRE A FRAMEWORK AGREEMENT, AS WITHOUT AN AGREEMENT
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 LISBON 04298 01 OF 02 100444Z

THEY WILL HAVE NO OPPORTUNITY TO FISH OR POSSIBLY PARTICIPATE
IN JOINT VENTURES OFF U.S. COAST IN FUTURE. GOP REPS
PROPOSED AMENDMENTS TO DRAFT GIFA, WHICH FOLLOW BELOW
WITH U.S. DEL REACTIONS.

3. PREAMBLE: GOP REPS INDICATED DESIRE TO HAVE PREAMBLE
CONFORM TO THE SPANISH AND EEC GIFAS SO AS TO AVOID OPTICS

PROBLEMS WITH THE PHRASE "THROUGHOUT THEIR MIGRATORY RANGE." U.S. DEL AGREED WITH PORTUGUESE REPS THAT CHANGE NOT SUBSTANTIVE, BUT EMPHASIZED THAT ARTICLE 1 COMMITS GOP TO RECOGNIZE U.S. MANAGEMENT AUTHORITY UNDER FCMA IN ITS ENTIRETY.

4. ARTICLE II(1): GOP REPS AGAIN SUGGESTED DELETION OF PHRASE "THROUGHOUT THEIR MIGRATORY RANGE" AND U.S. DEL ACCEPTED CHANGE.

5. ARTICLE II(9): GOP REPS EXPRESSED DESIRE TO DELETE DEFINITION OF "AUTHORIZED ENFORCEMENT OFFICER" BECAUSE IT WAS UNNECESSARY. U.S. DEL INDICATED SUGGESTION ACCEPTABLE.

6. ARTICLE III(2)(3)(C): GOP REPS PROPOSED AS MERE DRAFTING CHANGE DELETION OF THE PHRASE "WITHIN THE FISHERY CONSERVATION ZONE." U.S. DEL DID NOT OBJECT.

7. ARTICLE IV: GOP REPS PRESSED U.S. DEL TO CONFORM ARTICLE TO SPANISH GIFA TEXT AND INDICATED THAT THE PHRASE "AND THE NEED TO MINIMIZE SOCIAL AND ECONOMIC DISLOCATION, ETC." WAS OF PARTICULAR IMPORTANCE. U.S. DEL INDICATED UNWILLINGNESS TO INCLUDE PHRASE BECAUSE NOT APPLICABLE TO PORTUGUESE FISHERY. GOP REPS THEN SUGGESTED RETAINING DRAFT TEXT WITH ADDITION OF FINAL PHRASE "AND OTHER MATTERS DEEMED APPROPRIATE", AND DELETION OF WORDS "IF LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 LISBON 04298 01 OF 02 100444Z

ANY". U.S. DEL ACCEPTED FINAL PHRASE BUT EXPRESSED UNWILLINGNESS TO DELETE "IF ANY." ISSUE OF RETAINING OR DELETING "IF ANY" WAS LEFT TO LATER RESOLUTION, PENDING REVIEW BY DEPARTMENT.

8. ARTICLE VIII(5): GOP REPS NOTED THAT, UNLIKE SPANISH AGREEMENT, DRAFT TEXT MADE NO REFERENCE TO A JOINT CLAIMS BOARD, AND, WHILE CONCEDING ACTUAL ESTABLISHMENT OF A BOARD WAS NOT APPROPRIATE IN THIS AGREEMENT, SUGGESTED INCLUSION OF AN ARTICLE PROVIDING THAT THE TWO GOVERNMENTS MAY CONSIDER ESTABLISHMENT OF SUCH A BOARD IN THE FUTURE. U.S. SUGGESTED ALTERNATIVE OF AN AGREED MINUTE AND PROPOSED THE FOLLOWING TEXT WHICH GOP REPS FOUND ACCEPTABLE:

9. BEGIN TEXT: THE REPRESENTATIVES OF THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF PORTUGAL HAVE AGREED TO RECORD THE FOLLOWING IN CONNECTION WITH THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PORTUGAL CONCERNING FISHERIES OFF THE COAST OF THE UNITED STATES:

WITH RESPECT TO ARTICLE VII, PARA 5, OF THE AGREEMENT, THE REPRESENTATIVES OF BOTH GOVERNMENTS NOTED THAT THE

GOVERNMENTS OF PORTUGAL AND THE UNITED STATES MAY WISH TO
CONSIDER ESTABLISHING A JOINT FISHERIES CLAIM BOARD IN THE
EVENT PORTUGUESE VESSELS FISH IN THE UNITED STATES FISHERY
CONSERVATION ZONE PURSUANT TO THE AGREEMENT. END TEXT.

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 LISBON 04298 02 OF 02 100445Z
ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 EB-08 COME-00 INT-05 CG-00
DOTE-00 DLOS-09 L-03 DODE-00 EPA-01 CEQ-01
CIAE-00 INR-10 NSAE-00 SP-02 /059 W
-----016581 100454Z /12

R 091611Z JUN 78
FM AMEMBASSY LISBON
TO SECSTATE WASHDC 5982
INFO AMEMBASSY COPENHAGEN

LIMITED OFFICIAL USE SECTION 2 OF 2 LISBON 4298

10. ARTICLE IX: GOP REPS PROPOSED DELETION OF PHRASE "AND
ANY OTHER PORTUGUESE FISHING VESSEL THAT ENGAGES IN
FISHING FOR LIVING RESOURCES SUBJECT TO THE FISHERY
MANAGEMENT AUTHORITY OF THE UNITED STATES." U.S. DEL
WAS UNWILLING TO DISCARD PHRASE, CITING EXAMPLE OF VESSELS
WITHOUT PERMITS WHICH ESCAPE FROM OUR ZONE BEFORE THEY
CAN BE CAPTURED, AND ISSUE WAS LEFT UNRESOLVED, PENDING
FURTHER REVIEW BY DEPT.

11. ARTICLE X(3): GOP REPS PROPOSED DELETION ON GROUNDS
OF OPTICS, BECAUSE PORTUGAL TAKES VIEW, BASED ON
LOS TEXT, THAT IMPRISONMENT AND CORPORAL PUNISHMENT CANNOT
BE IMPOSED FOR VIOLATION OF THE COASTAL STATE'S FISHING
REGULATIONS. U.S. DEL ACCEPTED DELETION.

12. GOP REPS INDICATED DESIRE TO INCLUDE TEXT OF
ARTICLE XV OF THE SPANISH GIFA AS ARTICLE XII. U.S. DEL
EXPLAINED THAT PORTUGUESE FISHING VESSELS ALREADY HAVE
PORT CALL PRIVILEGES, BUT THAT THERE WAS NO OBJECTION
TO INCLUSION OF THE ARTICLE.

13. ARTICLE XIV: GOP REPS STATED STRONG PREFERENCE FOR
DISCLAIMER CLAUSE FROM SPANISH GIFA. GOP REPS STRESSED
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 LISBON 04298 02 OF 02 100445Z

THEIR UNDERSTANDING THAT WORDS "AS PROVIDED FOR IN THIS AGREEMENT" WOULD AVOID PREJUDICE TO PORTUGUESE POSITION ON TUNA. U.S. DEL STATED TENTATIVE AGREEMENT WITH PORTUGUESE INTERPRETATION, AND POINTED OUT ZONE RECOGNITION AND BOYCOTT PROVISIONS OF FCMA RELATED TO FOREIGN COUNTRY POSITIONS ON TUNA.

14. ARTICLE XV: GOP REPS PROPOSED PERIOD OF DURATION SHOULD BE FIVE YEARS FROM DATE OF ENTRY INTO FORCE, AGREEMENT SHOULD BE AUTOMATICALLY EXTENDED UNLESS TERMINATED BY ONE PARTY AT THE END OF FIVE YEARS, AND TERMINATION SHOULD BE EFFECTIVE ONE YEAR AFTER ADVANCE NOTICE GIVEN. AGREEMENT WAS REACHED TO HAVE A TERMINATION DATE OF JULY 1, 1983, TO RETAIN EXTENSION BY EXCHANGE OF NOTES, AND TO ACCEPT TERMINATION ONE YEAR AFTER ADVANCE NOTICE.

15. BOTH SIDES AGREED TO SUBMIT AGREED CHANGES TO GOVERNMENTAL REVIEW AND TO FINALIZE POSITIONS ON OUTSTANDING ISSUES. IT IS ANTICIPATED THAT ONCE TEXT FINALIZED THROUGH EXCHANGE OF CABLES, SIGNING COULD TAKE PLACE IN WASHINGTON.
BLOOMFIELD

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FISHERIES, AGREEMENTS, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978LISBON04298
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780242-0929
Format: TEL
From: LISBON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780677/aaaacoch.tel
Line Count: 197
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0ae0428c-c288-dd11-92da-001cc4696bcc
Office: ACTION OES
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 BONN 10375, 78 BONN 9938
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2418939
Secure: OPEN
Status: NATIVE
Subject: GIFA TALKS WITH GOVERNMENT OF PORTUGAL (GOP)
TAGS: EFIS, XN, PO, US
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/0ae0428c-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014